

**IN THE UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
WACO DIVISION**

EVERLIGHT ELECTRONICS CO., LTD.,

Plaintiff,

v.

AMAZON.COM, INC., and
AMAZON.COM SERVICES LLC

Defendants.

Case No. 6:21-cv-906

JURY TRIAL DEMANDED

**COMPLAINT FOR PATENT INFRINGEMENT
AGAINST AMAZON.COM, INC. AND AMAZON.COM SERVICES LLC**

This is an action for patent infringement arising under the Patent Laws of the United States of America, 35 U.S.C. § 1 *et seq.*, in which Plaintiff Everlight Electronics Co., Ltd. (“Plaintiff” or “Everlight”) makes the following allegations against Defendants Amazon.com, Inc. and Amazon.com Services LLC (collectively “Defendants”):

INTRODUCTION

1. This complaint arises from Defendants’ unlawful infringement of United States Patents No. 7,554,126 (the “’126 Patent” or the “Asserted Patent” attached as Exhibit 1) owned by Everlight.

PARTIES

2. Plaintiff Everlight Electronics Co., Ltd. is a foreign corporation organized and existing under the laws of Taiwan with a principal place of business located at No. 6-8, Zhonghua Rd., Shulin Dist., New Taipei City 23860, Taiwan. Everlight manufactures LED products and, through its subsidiaries, has sales offices in the United States and sells, imports, and/or offers LED products for sale in the United States. Everlight is the sole owner by assignment of all right,

title, and interest in the '126 Patent.

3. On information and belief, Defendant Amazon.com, Inc. ("Amazon") is a corporation organized under the laws of the State of Delaware, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109-5210. Amazon may be served with process at least via its listed registered agent Corporation Service Company, 251 Little Falls Drive, Wilmington, Delaware 19808.

4. On information and belief, Defendant Amazon.com Services LLC ("Amazon Services") is a Delaware corporation, with its principal place of business at 410 Terry Avenue North, Seattle, Washington 98109-5210. Amazon Services may be served with process via its listed registered agent, Corporation Service Company, 251 Little Falls Dr., Wilmington, Delaware 19808. Amazon Services is registered to do business in the State of Texas, and it may also be served with process via its registered agent in Texas, Corporation Service Company dba CSC-Lawyers Incorporating Service Company at 211 7th Street, Suite 620, Austin, TX 78701-3218. Amazon Services is a wholly owned subsidiary of Amazon.

JURISDICTION AND VENUE

5. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 271 and 281, *et seq.*

6. This Court has original subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

7. This Court has personal jurisdiction over Defendants in this action because Defendants, directly and/or through subsidiaries or intermediaries, have committed acts within this District giving rise to this action, and have established minimum contacts with this forum such that the exercise of jurisdiction over Defendants would not offend traditional notions of fair play and substantial justice. Defendants, directly and through subsidiaries or intermediaries, have committed and continue to commit acts of infringement in this District by, among other things, importing, offering to sell, and selling products that infringe the '126 patent, as described herein.

Defendants, directly and/or through subsidiaries or intermediaries, are making, using, selling, offering for sale, distributing, advertising, promoting, and otherwise commercializing infringing products in this District. Defendants regularly conduct and solicit business in, engage in other persistent courses of conduct in, and/or derive substantial revenue from goods and services provided to the residents of this District and the State of Texas.

8. Defendants are subject to jurisdiction pursuant to due process and/or the Texas Long Arm Statute due to its substantial business in this State and District including at least Defendants' infringing activities, regularly doing or soliciting business at their Austin facilities and engaging in persistent conduct and deriving substantial revenues from goods and services provided to residents in the State of Texas.

9. By working in concert to store, distribute, sell, and deliver their products to Texas residents, including those of this District, Defendants, directly and/or through subsidiaries or intermediaries, purposefully place the Accused Products in established distribution channels in the stream of commerce.

10. Further, as described below, Defendants have regular and established places of business in this District, have a substantial number of employees that are located in or around Austin and Waco, Texas, and have job postings for positions located within this District on the Amazon website.

11. Defendants, therefore, have purposefully directed their activities at this State and this District, and should reasonably anticipate being brought in this Court.

12. Venue is proper in this District under 28 U.S.C. § 1400(b). Upon information and belief, Defendants have transacted business in this District and have committed acts of direct infringement in this District by, among other things, making, using, offering to sell, selling, and importing products that infringe the '126 patent. Defendants have regular and established places of business in the District, including offices at 11501 Alterra Parkway, Austin, Texas, and a fulfillment center at 2093-2209 Rutland Drive, Austin, Texas 78758. Further, Amazon's website lists numerous openings for jobs in this District (*e.g.*, in Austin and Waco, Texas) (*See e.g.*,

Austin jobs listed at https://www.amazon.jobs/en/search?base_query=&loc_query=Austin%2C+TX%2C+United+States&latitude=30.26759&longitude=-97.74299&loc_group_id=&invalid_location=false&country=USA&city=Austin®ion=Texas&county=Travis accessed August 25, 2021). (See e.g., Waco jobs listed at https://www.amazon.jobs/en/search?base_query=&loc_query=Waco%2C+TX%2C+United+States&city=Waco&county=McLennan®ion=Texas&country=USA&latitude=31.57182&longitude=-97.14951&radius=24km accessed August 25, 2021).

13. Additionally, on information and belief, Defendants are receiving millions of dollars in tax breaks from McLennan County and the city of Waco for a fulfillment center currently being built in Waco for the purpose of doing and soliciting business in this District. (See e.g., https://wacotrib.com/news/local/amazon-gets-9-5m-from-waco-county-intax-breaks-over-20-years/article_730bc48e-7094-11eb-bcd1-eb93141c16b0.html accessed August 25, 2021). This Waco fulfillment center is anticipated to open in late 2021 and to employ over 1,000 people in this District. (See e.g., <https://www.kcentv.com/article/news/local/mclennan-county/amazon-road-construction-big-things-waco/500-ed205591-83d2-4d4d-a4fe-9e821a1dea36> accessed August 25, 2021).

INFRINGEMENT OF U.S. PATENT NO. 7,554,126

14. Everlight realleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.

15. Everlight owns by assignment all right, title, and interest in and to U.S. Patent No. 7,554,126, titled “Semiconductor Light-Emitting Element, Manufacturing Method and Mounting Method of the same and Light-Emitting Device,” issued on June 30, 2009, naming Kazushi Higashi and Shinji Ishitani as the inventors. Ex. 1 (’126 Patent) at 1. The ’126 Patent is based on U.S. Patent Application No. 11/662,547 with a PCT filing date of September 22, 2005. *Id.* at 1.

The '126 Patent claims priority to Japanese Application No. 2004-279049 filed September 27, 2004. *Id.*

16. The '126 patent discloses a novel structure for and method for the manufacture and mounting of semiconductor light emitting elements. The inventive concepts disclosed and claimed in the '126 patent provide for larger light emitting elements with higher junction yields while enabling high production efficiency with lower precision requirements.

17. Claim 1 recites: A semiconductor light-emitting element comprising: a light-transmitting element substrate; an n-type semiconductor layer formed on the element substrate so as to cover the element substrate; a p-type semiconductor layer formed so as to cover an area on the n-type semiconductor layer from which an area for an n-electrode on the n-type semiconductor layer is excluded, for emitting light in cooperation with the n-type semiconductor layer; a first n-electrode that is a thin film formed on the area for the n-electrode of the n-type semiconductor layer; a first p-electrode that is a thin film formed on the p-type semiconductor layer; a first insulating layer that is formed so as to insulate the first n-electrode and the first p-electrode from each other; a second n-electrode formed on the first n-electrode and the first insulating layer as a thin film having an area larger than a joined face between the n-type semiconductor and the first n-electrode so that the second n-electrode is electrically connected to the first n-electrode, the second n-electrode being insulated from the first p-electrode by the first insulating layer; and a second p-electrode formed as a thin film having an area smaller than a joined face between the n-type semiconductor layer and the p-type semiconductor layer, the second p-electrode being electrically connected to the first p-electrode.

18. On information and belief, Defendants offer for sale, sell, and/or import certain light emitting products such as Automotive Headlight LED Bulb Products, Filament LED Bulb

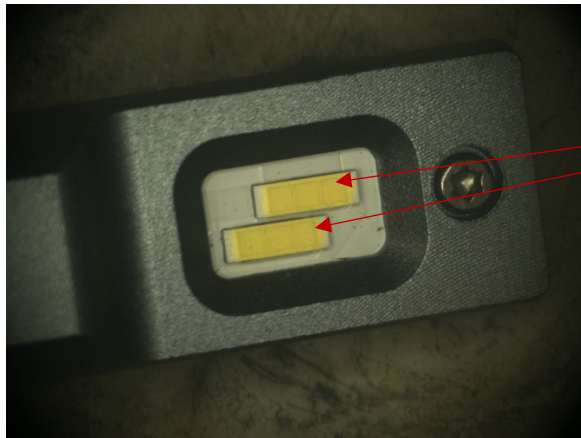
Products and UltraViolet-C LED Products (collectively the “Accused Products”), that directly infringe, literally and/or under the doctrine of equivalents, one or more claims of the ’126 Patent in this District and elsewhere in Texas and the United States in violation of 35 U.S.C. § 271(a) and/or 271(g). Examples of the accused infringing Automotive LED Headlight Bulb Products include Beamtech – 9007 LED Headlight Bulb Product and ZonCar-ABHDZ1AH11XGRCWZ02US1 LED Headlight Bulb Product. Examples of the accused infringing Filament LED Bulb Products include TIANFAN – G95 Spiral Filament LED Bulb Product, AUPUDA - AU-T185S Filament LED Bulb Product, PHILIPS 551770(A19) Filament LED Bulb Product, and GE LIGHTING 36488 (CANDLE) Filament LED Bulb Product. Examples of the accused infringing UltraViolet-C LED Products include Amerfist Portable Ultraviolet Light Wand LED Product, AIWOIT- AW-UV-01 Portable Ultraviolet Light Wand LED Product, Angevol - BP52 Portable Ultraviolet Light Wand LED Product, EarthPush - UV-C Sterilizer Wand LED Product, and Epic -Citytek – UV Light Sanitizer Wand LED Product. All these Accused Products were available to be sold and delivered, offered for sale, sold, imported and delivered by Defendants in this District.

19. The Accused Products satisfy all claim limitations of one or more claims of the ’126 Patent including, but not limited to, claim 1, as demonstrated below.

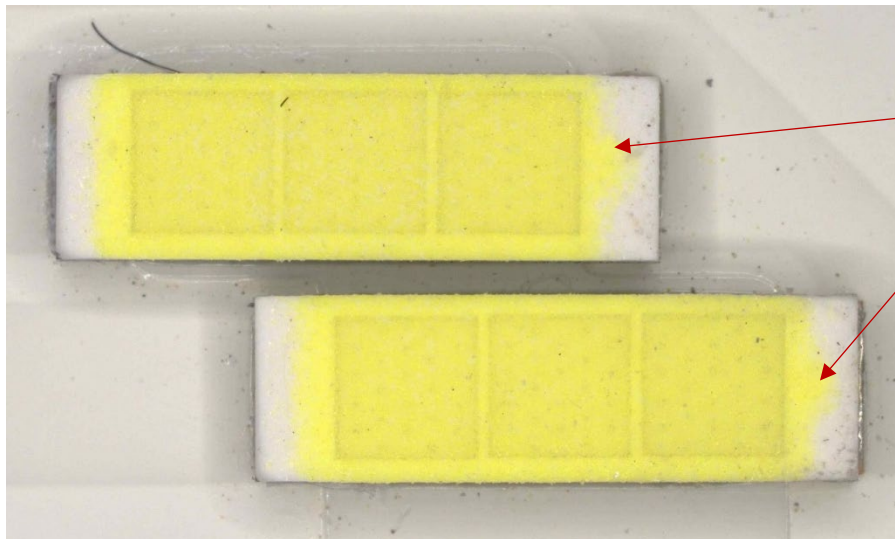
20. The Accused Automotive LED Headlight Bulb Products include a semiconductor light-emitting element meeting the claim limitations of the ’126 patent. For example, the Beamtech – 9007 LED Headlight Bulb Product is an automotive LED headlight bulb product containing automotive LEDs. The semiconductor light-emitting elements are mounted on a circuit board in the automotive LEDs.



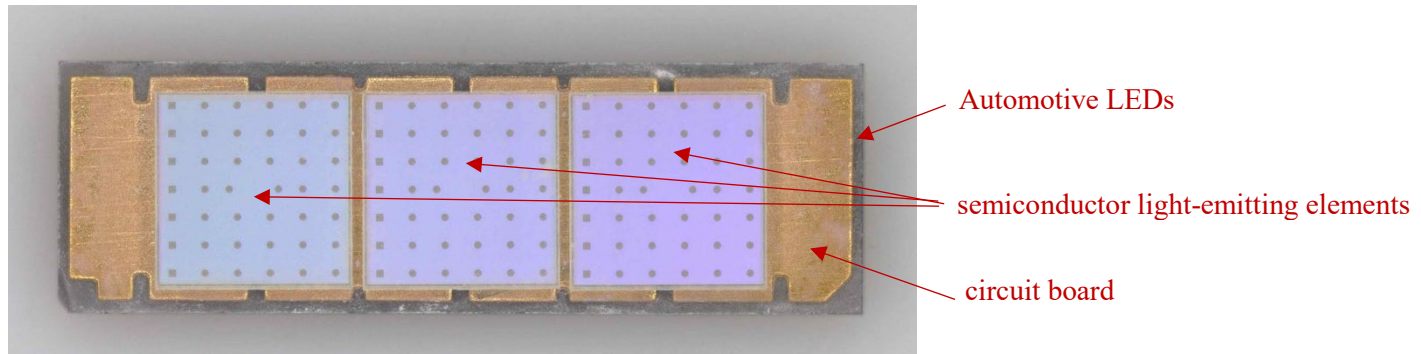
Automotive LED Headlight Bulb Products



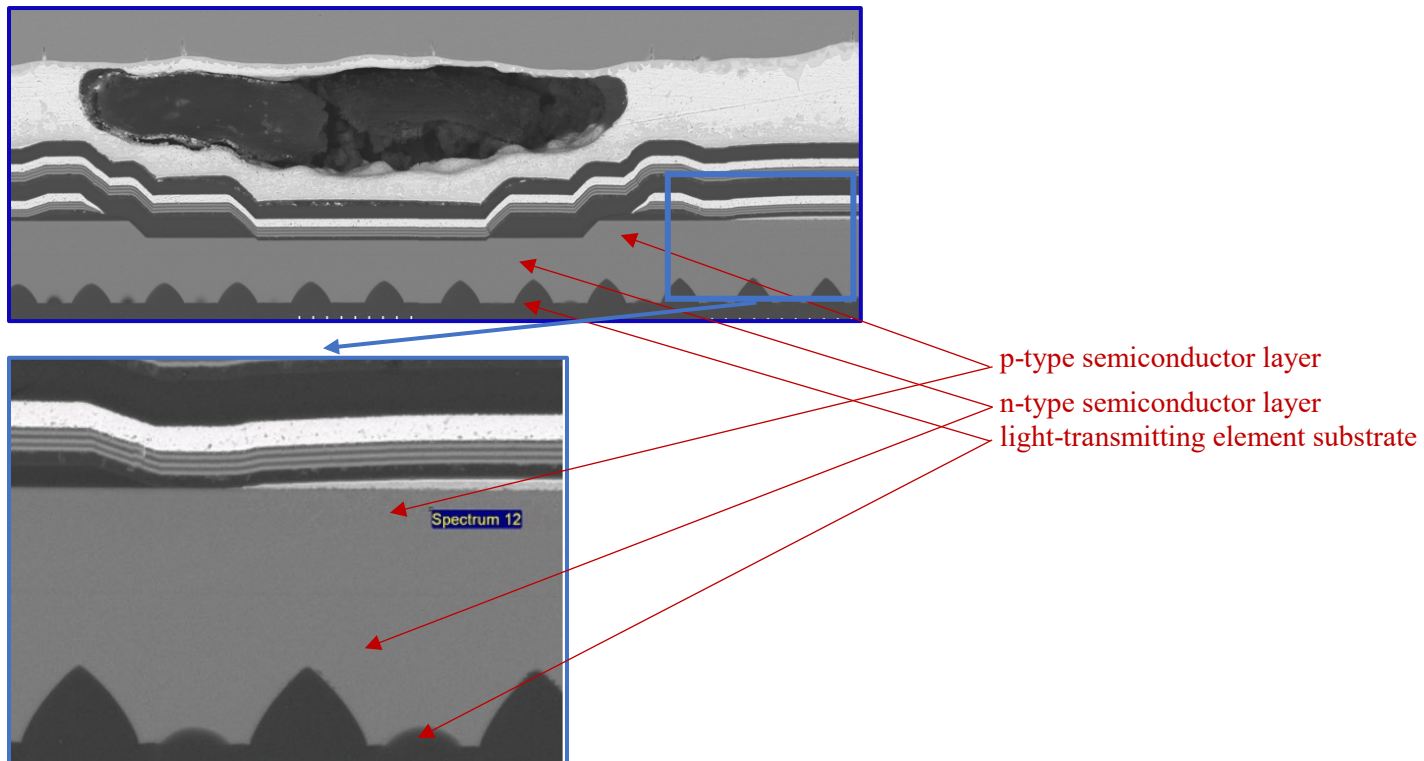
Automotive LEDs



Automotive LEDs

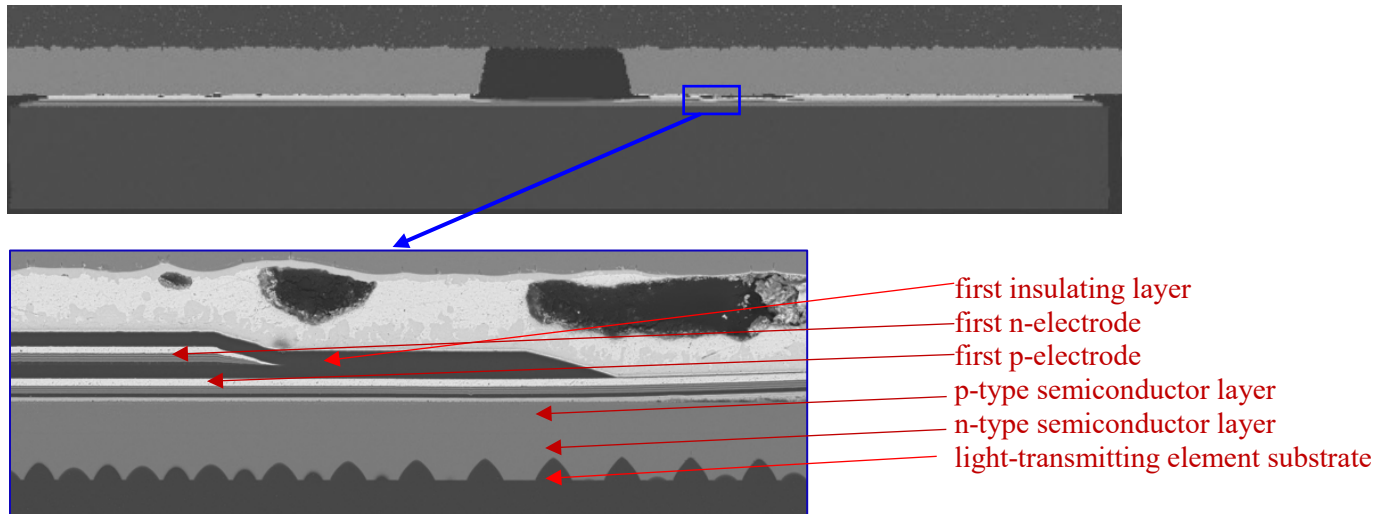


21. The Beamtech – 9007 LED Headlight Bulb Product includes a light-transmitting element substrate upon which n-type semiconductor layer is formed. In addition, a p-type semiconductor layer is formed on the n-type semiconductor layer with an area excluded for the n-electrode.

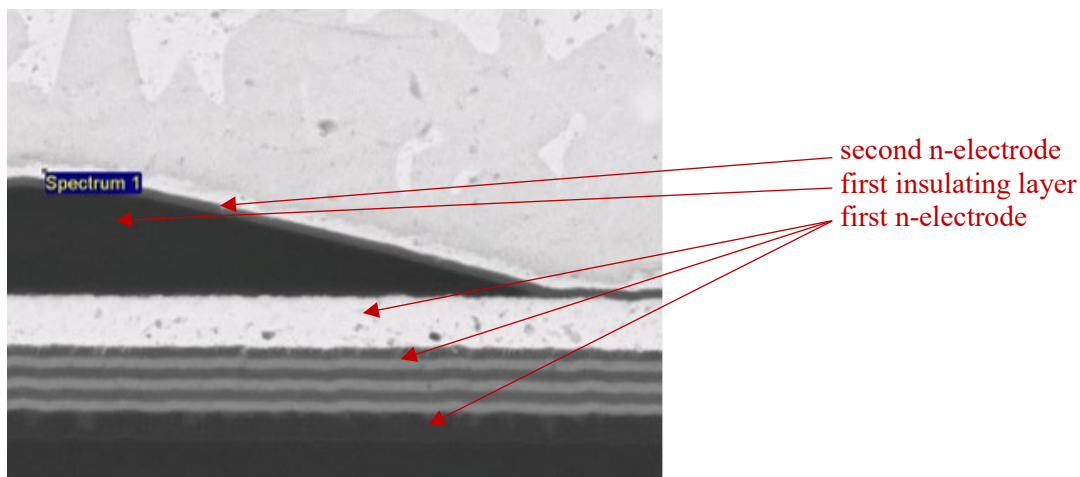


22. The Beamtech – 9007 LED Headlight Bulb Product includes a first n-electrode that is a thin film and is formed on the area for the n-electrode of the n-type semiconductor layer. The Beamtech – 9007 LED Headlight Bulb Product includes a first p-electrode that is a

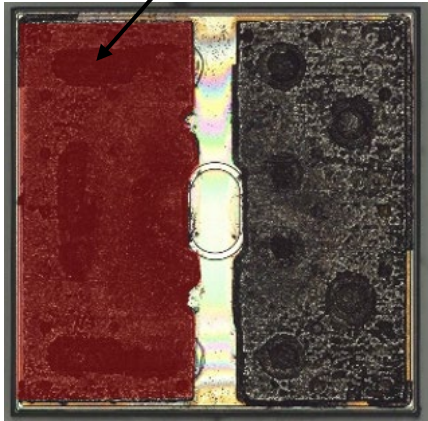
thin film and is formed on the p-type semiconductor layer. The Beamtech – 9007 LED Headlight Bulb Product includes a first insulating layer that is formed so as to insulate the first n-electrode and the first p-electrode from each other.



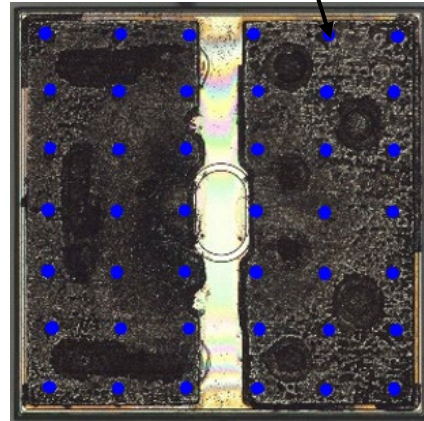
23. The Beamtech – 9007 LED Headlight Bulb Product includes a second n-electrode formed as a thin film on the first n-electrode and the first insulating layer. The second n-electrode has an area larger than a joined face between the n-type semiconductor and the first n-electrode so that the second n-electrode is electrically connected to the first n-electrode. The second n-electrode is insulated from the first p-electrode by the first insulating layer.



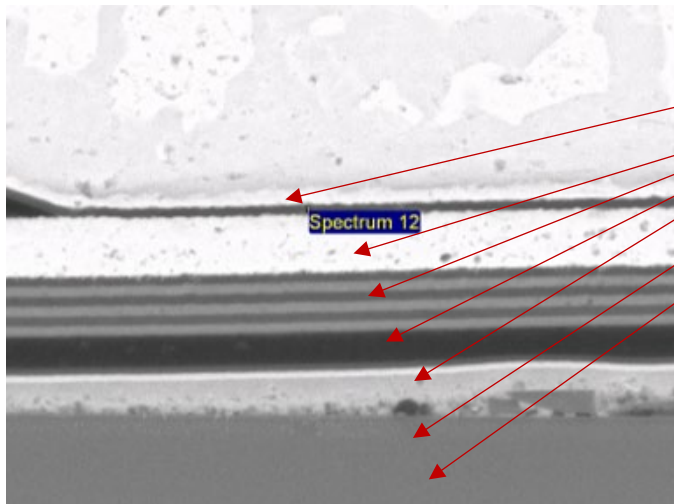
an area of the second n-electrode >



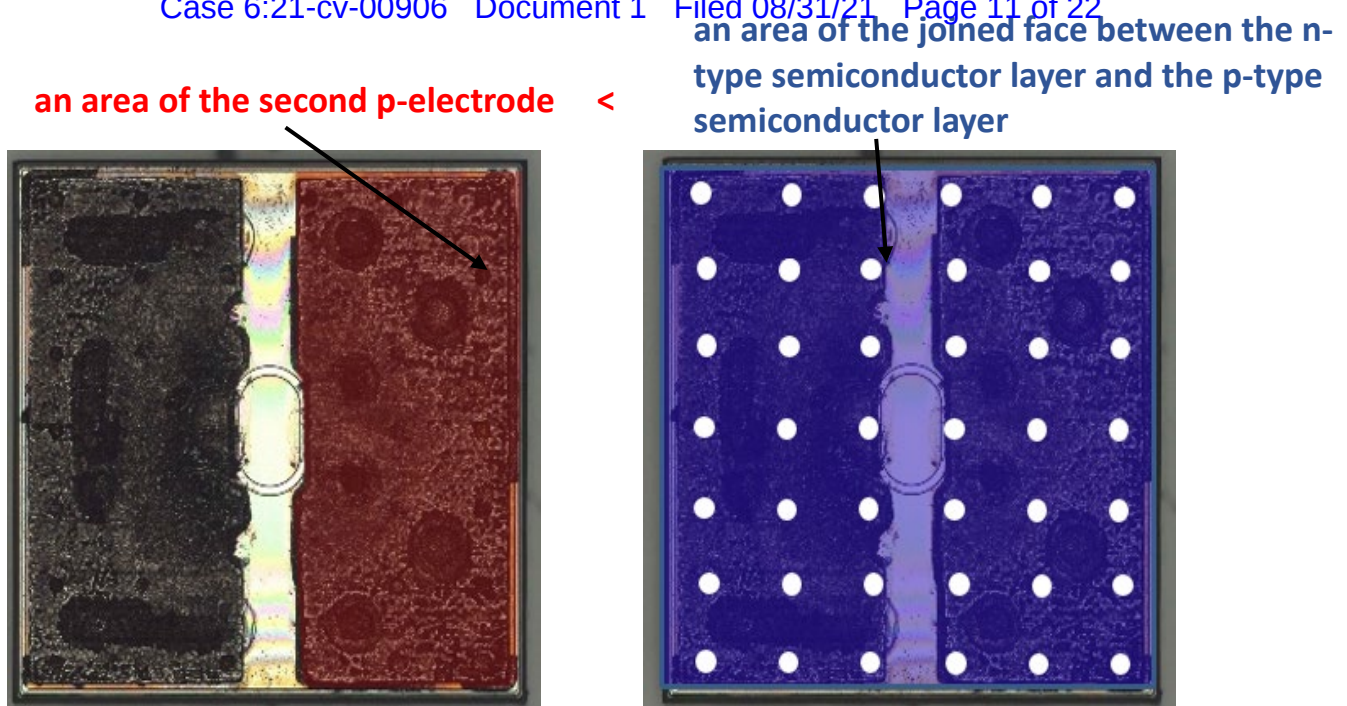
an area of the joined face between the n-type semiconductor layer and the first n-electrode



24. The Beamtech – 9007 LED Headlight Bulb Product also includes a second p-electrode that is formed as a thin film. The second p-electrode has an area smaller than a joined face between the n-type semiconductor layer and the p-type semiconductor layer. The second p-electrode is electrically connected to the first p-electrode.

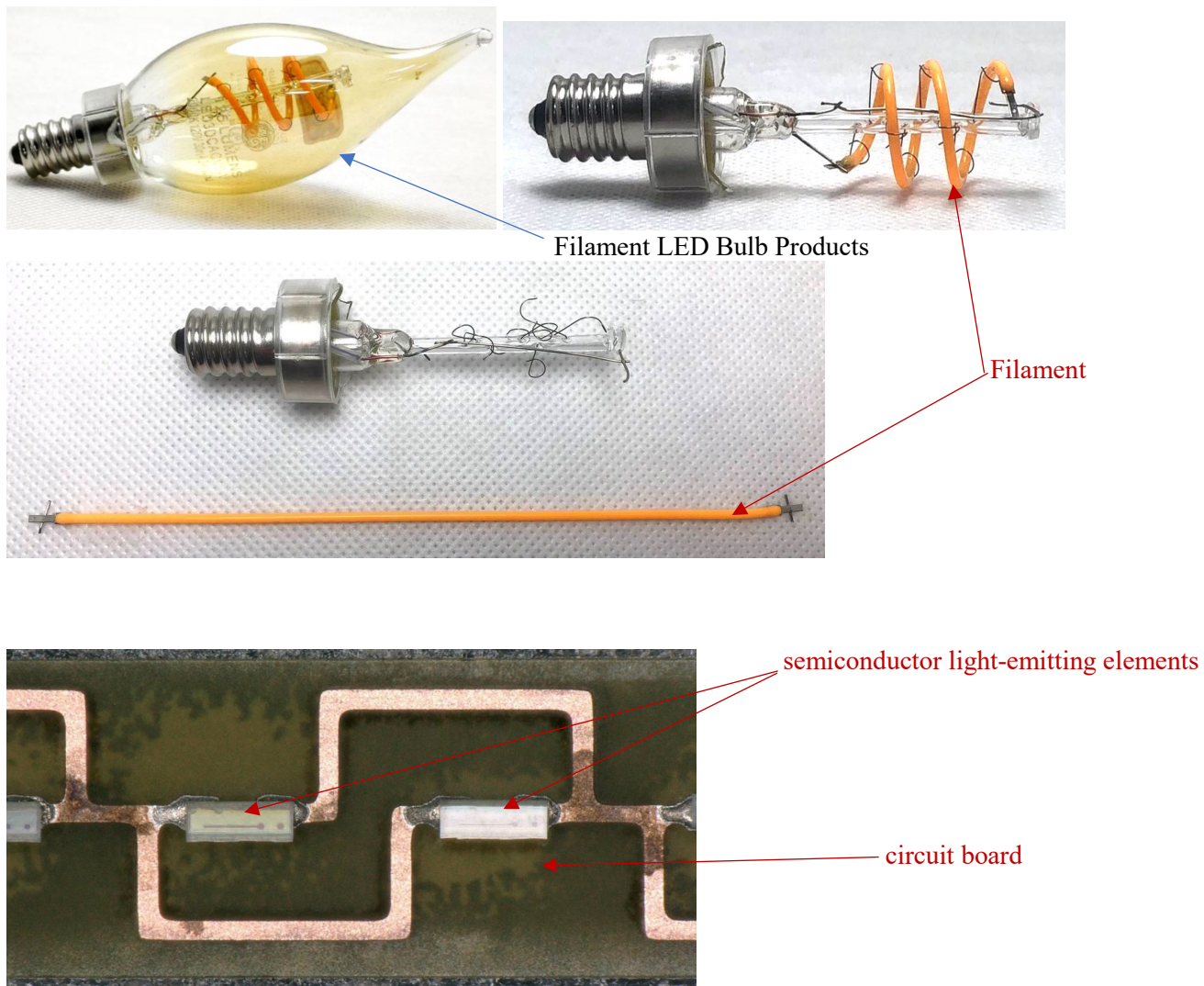


second p-electrode
first p-electrode
p-type semiconductor layer
n-type semiconductor layer

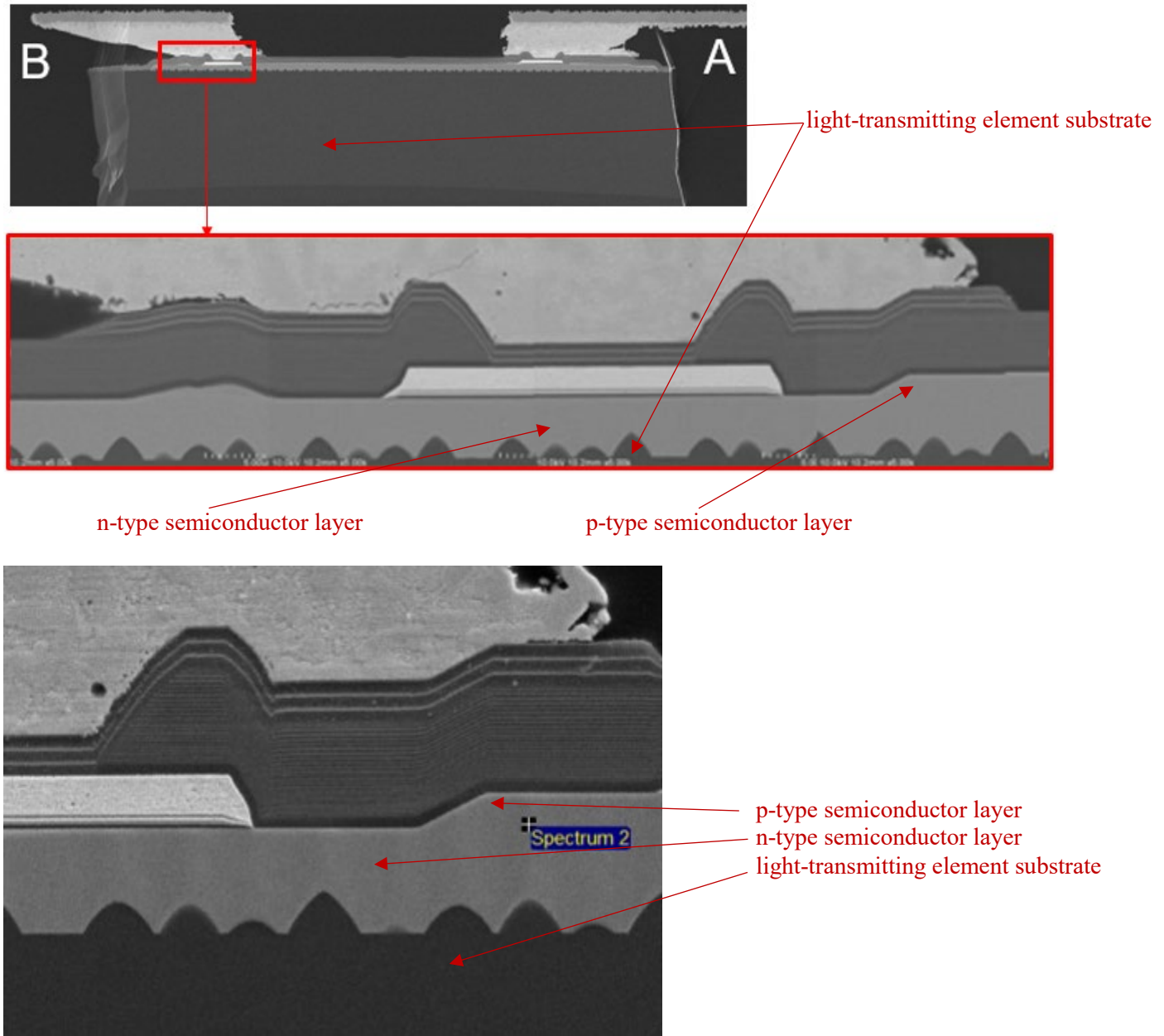


25. By offering for sale, selling and/or importing into the United States the Accused Products, like and including the Beamtech – 9007 LED Headlight Bulb Product, Defendants have injured Everlight and are liable for infringement of the '126 patent pursuant to 35 U.S.C. §271.

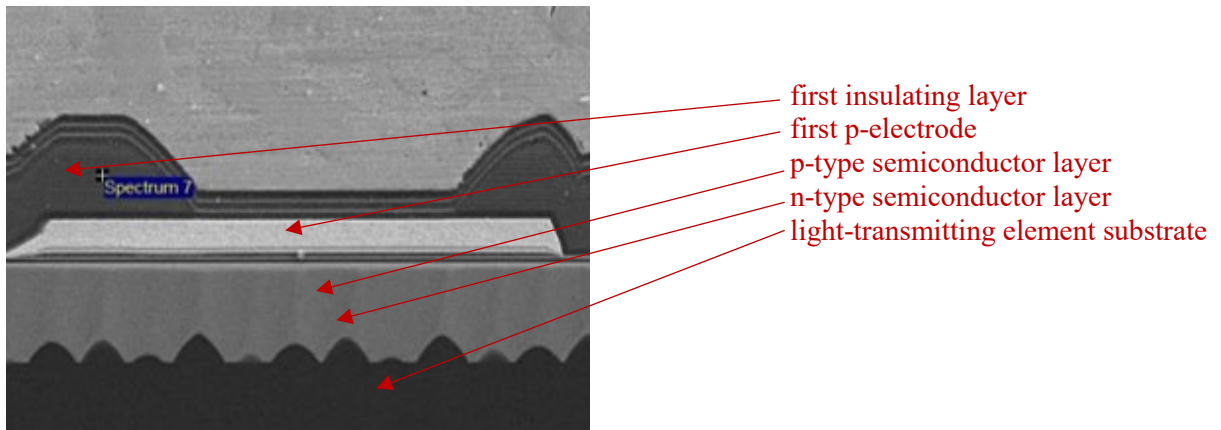
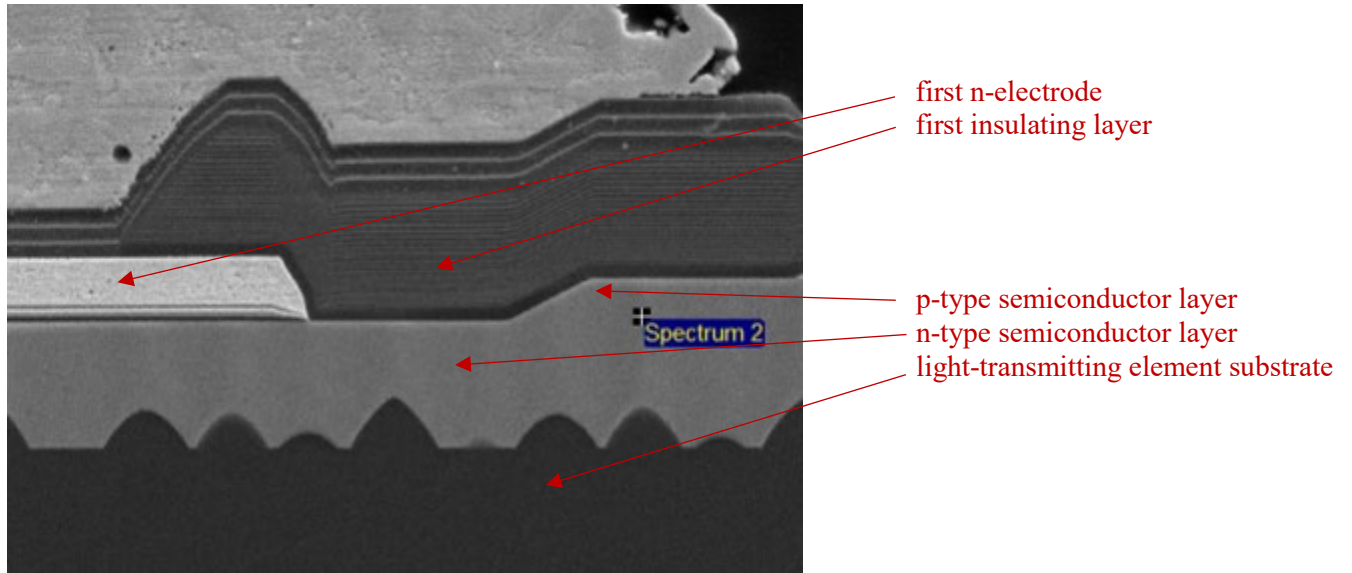
26. The Accused Products Filament LED Bulb Products include a semiconductor light-emitting element meeting the claim limitations of the '126 patent. For example, the GE LIGHTING 36488 (CANDLE) Filament LED Product is a dimmable LED vintage style bulb product. The semiconductor light-emitting elements are mounted on a circuit board in the filament.



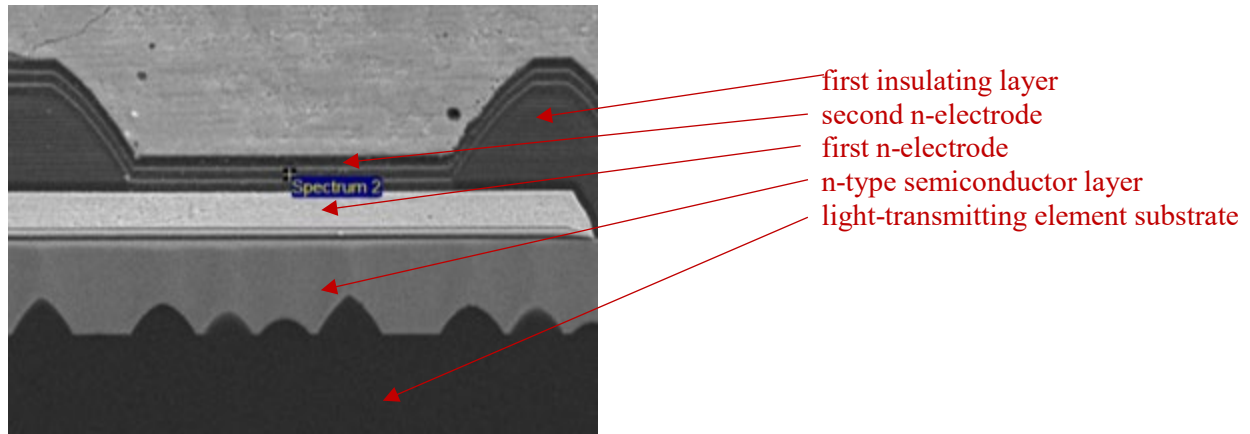
27. The GE LIGHTING 36488 (CANDLE) Filament LED Product includes a light-transmitting element substrate upon which n-type semiconductor layer is formed. In addition, a p-type semiconductor layer is formed on the n-type semiconductor layer with an area excluded for the n-electrode.



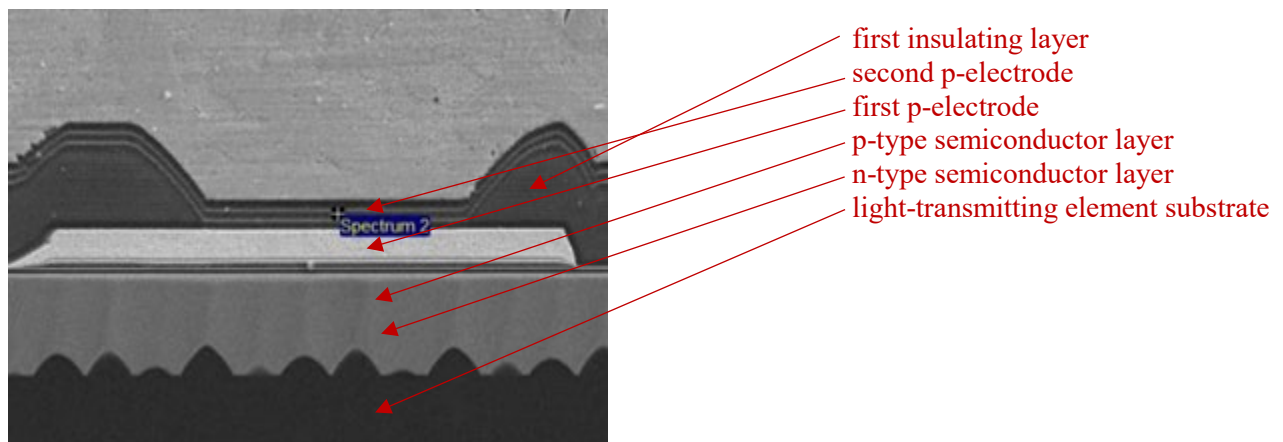
28. The GE LIGHTING 36488 (CANDLE) Filament LED Product includes a first n-electrode that is a thin film and is formed on the area for the n-electrode of the n-type semiconductor layer. The GE LIGHTING 36488 (CANDLE) Filament LED Product includes a first p-electrode that is a thin film and is formed on the p-type semiconductor layer. The GE LIGHTING 36488 (CANDLE) Filament LED Product includes a first insulating layer that is formed so as to insulate the first n-electrode and the first p-electrode from each other.

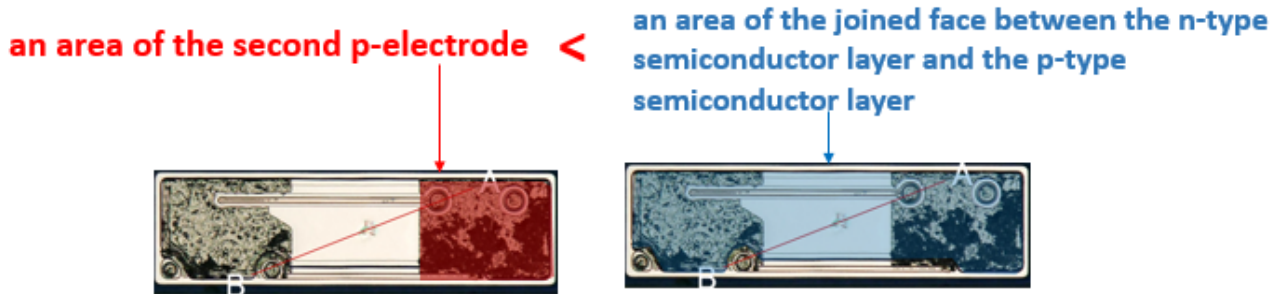


29. The GE LIGHTING 36488 (CANDLE) Filament LED Product includes a second n-electrode formed as a thin film on the first n-electrode and the first insulating layer. The second n-electrode has an area larger than a joined face between the n-type semiconductor and the first n-electrode so that the second n-electrode is electrically connected to the first n-electrode. The second n-electrode is insulated from the first p-electrode by the first insulating layer.



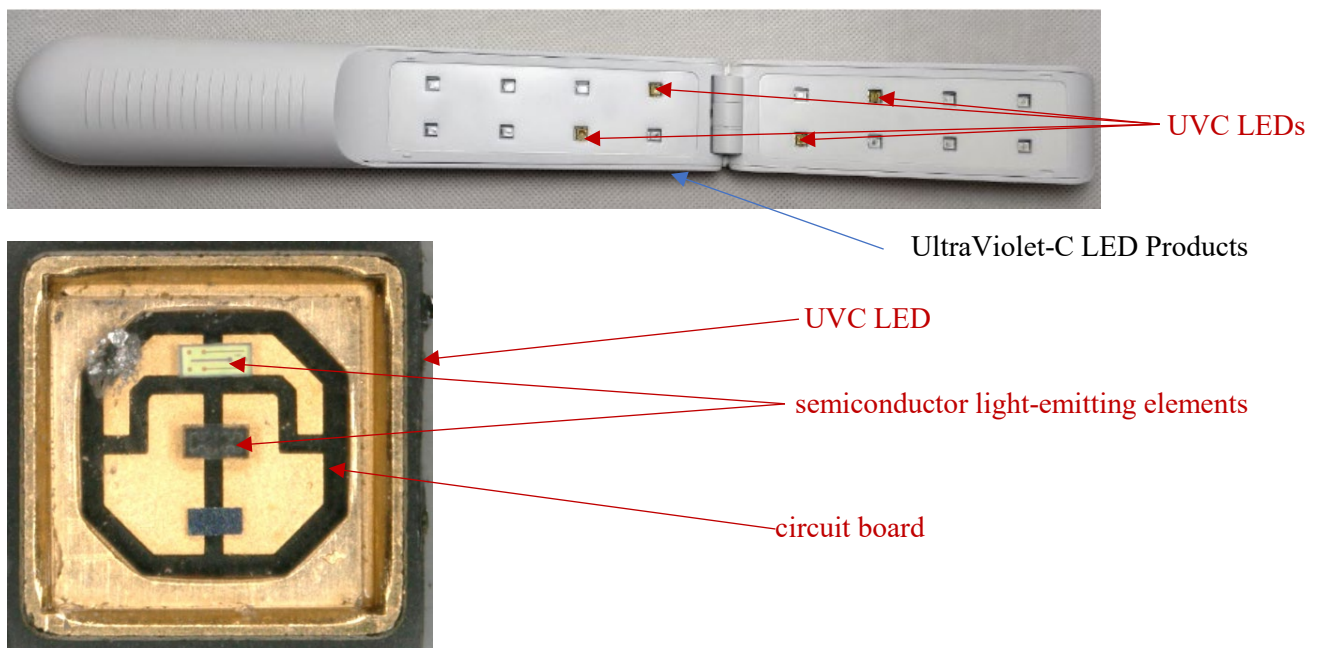
30. The GE LIGHTING 36488 (CANDLE) Filament LED Product also includes a second p-electrode that is formed as a thin film. The second p-electrode has an area smaller than a joined face between the n-type semiconductor layer and the p-type semiconductor layer. The second p-electrode is electrically connected to the first p-electrode.



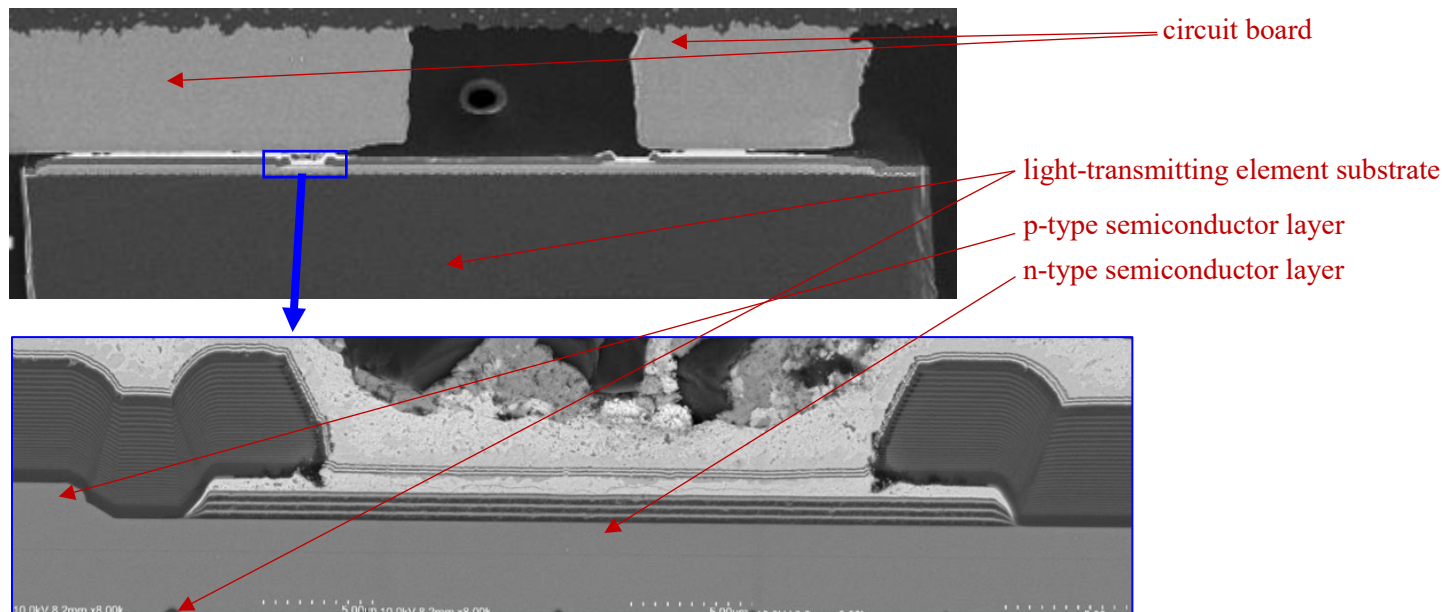


31. By offering for sale, selling and/or importing into the United States the Accused Products, like and including the GE LIGHTING 36488 (CANDLE) Filament LED Product, Defendants have injured Everlight and are liable for infringement of the '126 patent pursuant to 35 U.S.C. §271.

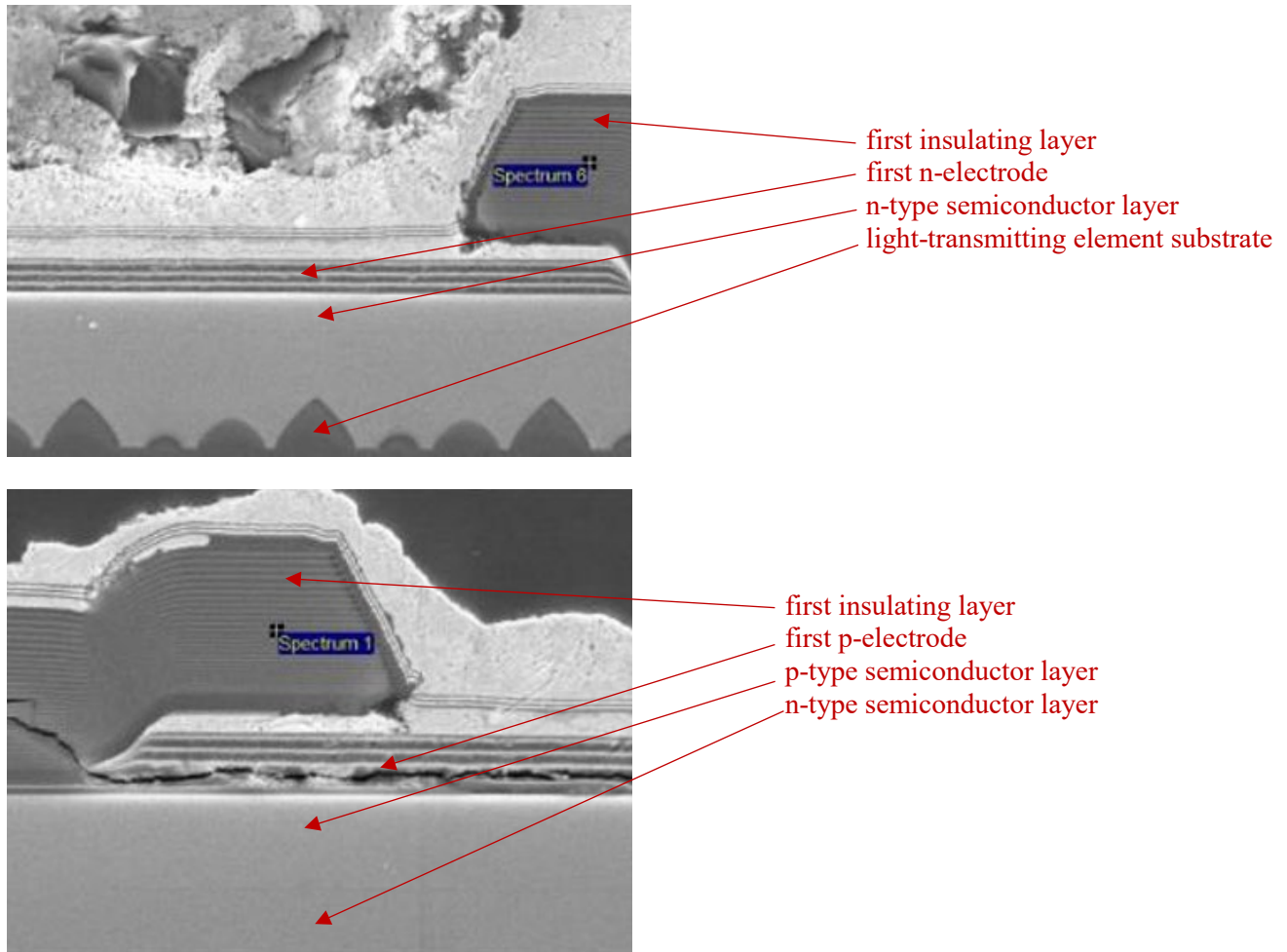
32. The Accused Products UltraViolet-C LED Products include a semiconductor light-emitting element meeting the claim limitations of the '126 patent. For example, the Epic Citytek - UV Light Sanitizer Wand LED Product, is an UV light sterilizing product containing UVC LEDs. The semiconductor light-emitting elements are mounted on a circuit board in the UVC LEDs.



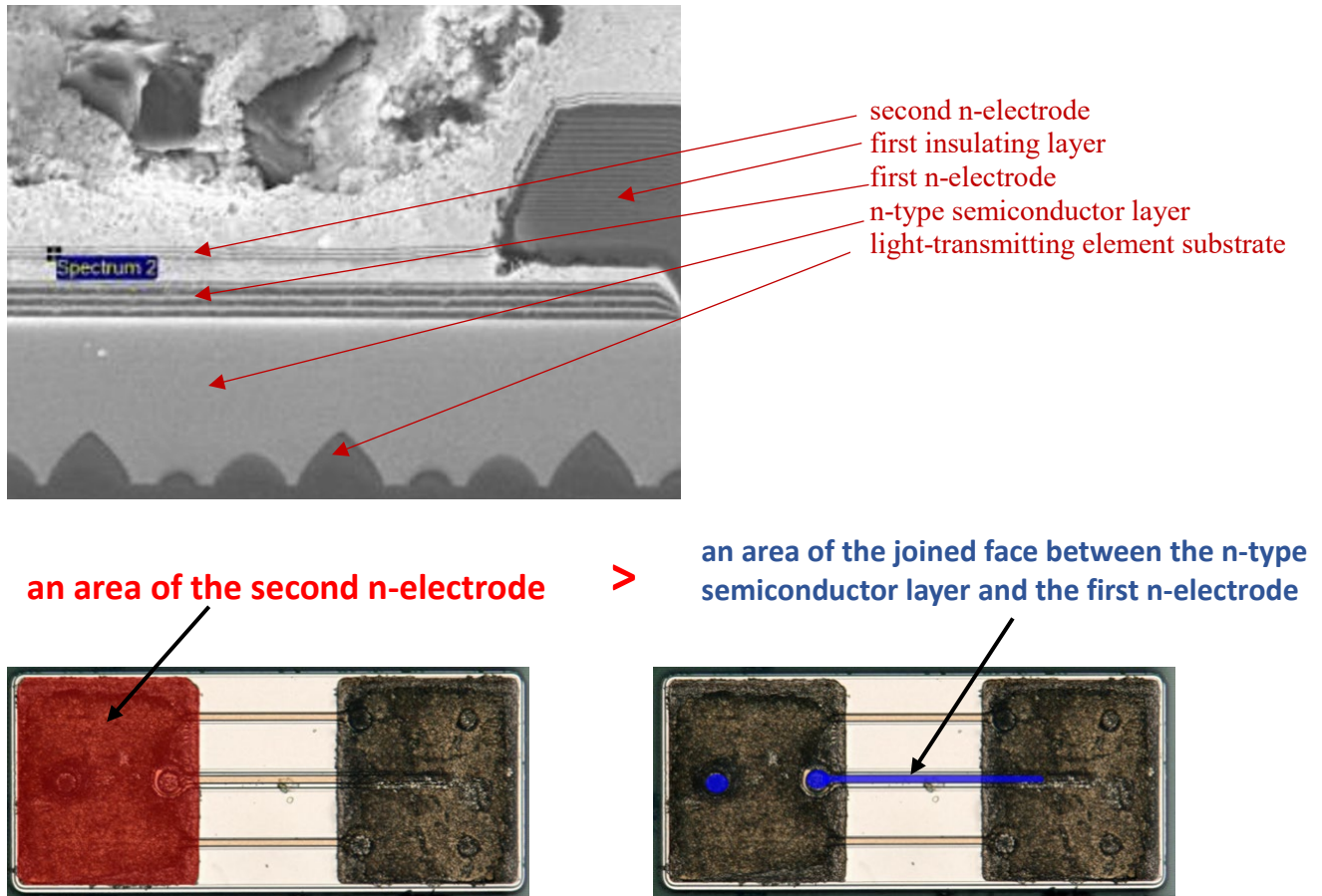
33. The Epic Citytek - UV Light Sanitizer Wand LED Product includes a light-transmitting element substrate upon which n-type semiconductor layer is formed. In addition, a p-type semiconductor layer is formed on the n-type semiconductor layer with an area excluded for the n-electrode.



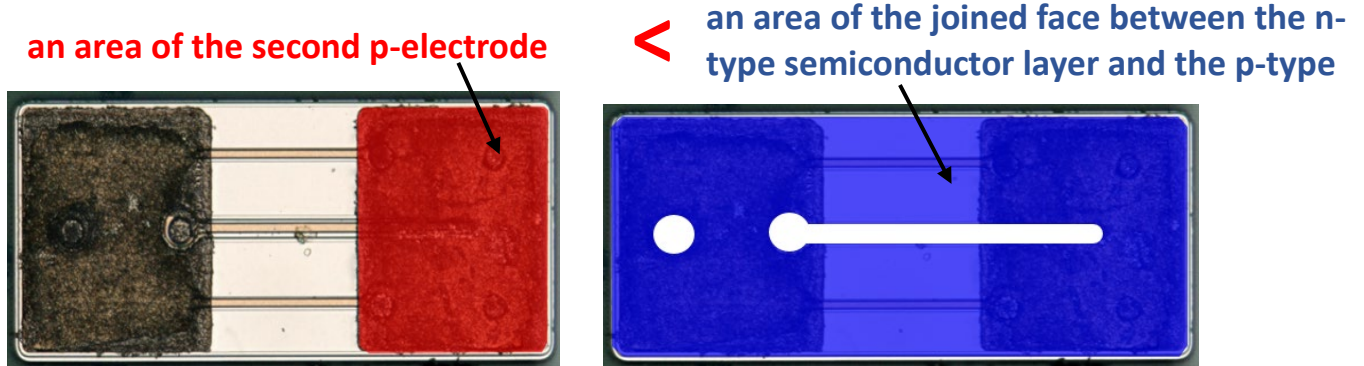
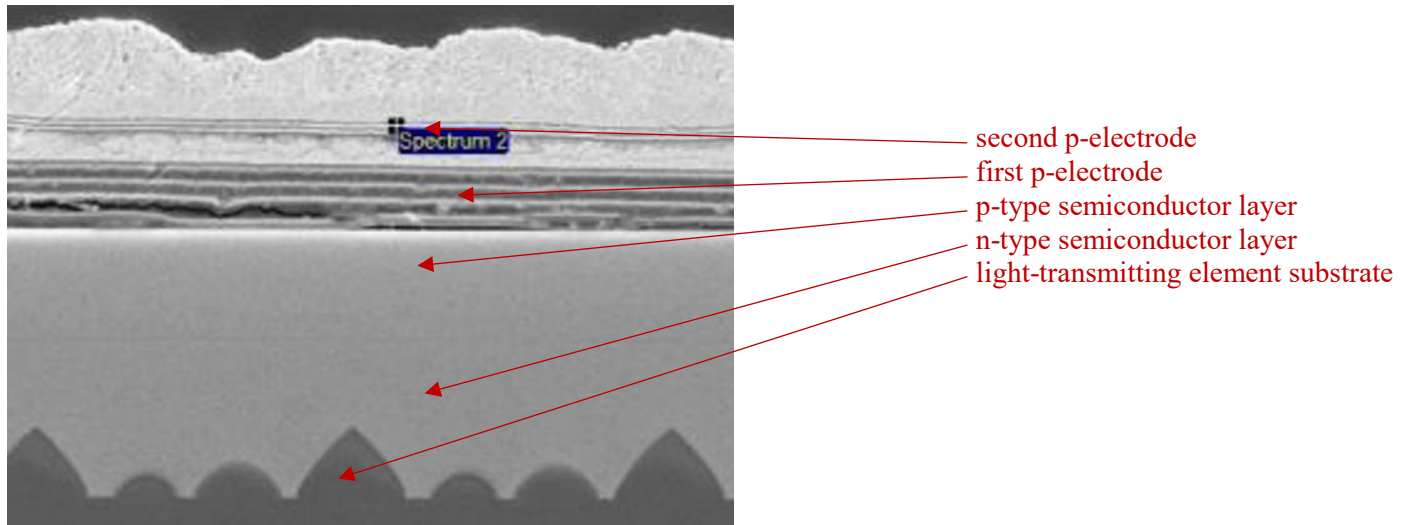
34. The Epic Citytek - UV Light Sanitizer Wand LED Product includes a first n-electrode that is a thin film and is formed on the area for the n-electrode of the n-type semiconductor layer. The Epic Citytek - UV Light Sanitizer Wand LED Product includes a first p-electrode that is a thin film and is formed on the p-type semiconductor layer. The Epic Citytek - UV Light Sanitizer Wand LED Product includes a first insulating layer that is formed so as to insulate the first n-electrode and the first p-electrode from each other.



35. The Epic Citytek - UV Light Sanitizer Wand LED Product includes a second n-electrode formed as a thin film on the first n-electrode and the first insulating layer. The second n-electrode has an area larger than a joined face between the n-type semiconductor and the first n-electrode so that the second n-electrode is electrically connected to the first n-electrode. The second n-electrode is insulated from the first p-electrode by the first insulating layer.



36. The Epic Citytek - UV Light Sanitizer Wand LED Product also includes a second p-electrode that is formed as a thin film. The second p-electrode has an area smaller than a joined face between the n-type semiconductor layer and the p-type semiconductor layer. The second p-electrode is electrically connected to the first p-electrode.



37. By offering for sale, selling and/or importing into the United States the Accused Products, like and including the Epic Citytek - UV Light Sanitizer Wand LED Product, Defendants' have injured Everlight and are liable for infringement of the '126 patent pursuant to 35 U.S.C. §271.

38. As a result of Defendants' infringement of the '126 patent, Everlight is entitled to monetary damages in an amount adequate to compensate for Defendants' infringement, but in no event less than a reasonable royalty for the use made of the invention by Defendants, together with interest and costs as fixed by the Court.

PRAYER FOR RELIEF

WHEREFORE, Everlight respectfully requests that this Court enter a judgment against Defendants:

- a. determining that Defendants have infringed and continue to infringe, either literally and/or under the doctrine of equivalents, the '126 Patent;
- b. requiring Defendants to pay Everlight its damages, costs, expenses, and pre-judgment and post-judgment interest for Defendants' infringement of the the '126 Patent;
- c. requiring Defendants to provide an accounting and to pay supplemental damages to Everlight, including without limitation, pre-judgment and post-judgment interest;
- d. ordering a permanent injunction prohibiting Defendants from further acts of infringement of the '126 patent;
- e. finding that this is an exceptional case within the meaning of 35 U.S.C. § 285 and awarding to Everlight its reasonable attorneys' fees and costs against Defendants, and enhanced damages pursuant to 35 U.S.C. § 284; and
- f. granting Everlight such other and further relief as the Court may deem appropriate and just under the circumstances.

DEMAND FOR JURY TRIAL

Everlight, under Rule 38 of the Federal Rules of Civil Procedure, requests a trial by jury of any issues so triable by right.

Dated: August 31, 2021

Respectfully submitted,

/s/ William Davis

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